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ABSTRACT

Effective implementation of legislative mandates is the prime responsibility of academic senates. Inherent with this authority and responsibility is accountability. "Lip service" and "paper shuffling for compliance" are not surrogates for actual and effective implementation of the affirmative action mandates of Assembly Bill (AB) 1725. This report, issued by the Affirmative Action Committee of Academic Senate for the California Community Colleges (ASCCC) is designed to aid local academic senates in their endeavors to address the mandates of AB 1725 as regards affirmative action hiring. The report provides the following information: (1) specific state and federal affirmative action legislation; (2) clarification of terms as they relate to diversity; (3) guidelines for interpreting the subjective terminology of AB 1725; (4) enhancement of diversity through role models and educational enrichment; (5) hiring of the disabled; (6) the role of the affirmative action officer and the affirmative action representative in the hiring process; (7) the role of the interviewing committee in the hiring process; (8) selection of the final candidate; (9) utilization and accountability of the authority of the Academic Senate and the Chancellor/President; (10) procedures for job announcements and job descriptions; and (11) frequently used terms in affirmative action. References and a sample AB 1725 job announcement for a full-time history instructor are included. (PAA)

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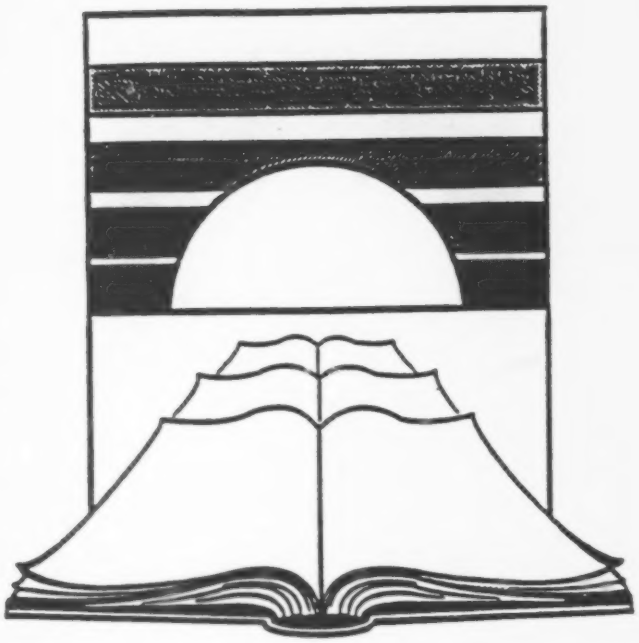

THE RAMIFICATIONS AND IMPLICATIONS OF AFFIRMATIVE ACTION ON HIRING

ADOPTED

NOVEMBER, 1990

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THE ACADEMIC SENATE FOR CALIFORNIA COMMUNITY COLLEGES

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RAMIFICATIONS AND IMPLICATIONS OF AFFIRMATIVE ACTION ON HIRING

Paper From The Affirmative Action Committee
Academic Senate For California Community Colleges

PHILOSOPHY

Through the mandates of AB 1725, the faculty via the academic senates has acquired augmented authority and responsibility. Effective implementation of the legislative mandates is the prime responsibility of the academic senate(s). Inherent within this authority and responsibility is accountability. "Lip service", and "paper shuffling for compliance" are not surrogates for actual and effective implementation of the affirmative action mandates of AB 1725. The Academic Senate for the California Community Colleges has been in the forefront of aggressively translating the language of affirmative action into the actuality of affirmative action.

The issues of affirmative action and equal employment opportunity are not new ones. They have been energetically revived because of the passage of the educational reform legislation, AB 1725. According to Title 5, 53001, "equal employment opportunity is a condition, and affirmative action is the means by which the condition is achieved." AB 1725 addresses issues of hiring, tenure and evaluation, while focusing upon affirmative action as the means by which equal employment opportunity can be achieved within the California Community Colleges.

Affirmative action is the vehicle that enables the California Community Colleges to address and enhance the richness of the diverse clientele and population that they serve, as reflected in the following quote from AB 1725 (87107 a):

> "There is hereby created in the State Treasury a fund which shall be known as the Faculty and Staff Diversity Fund. The money in the fund shall be available . . .for the purpose of enabling the California Community Colleges as a system to address the goal that by the year 2005, the system's work force will reflect proportionately, the adult population of the state. . . it is the intent of the Legislature that the board of governors take steps which are necessary to reach the goal that by fiscal year 1992-93, 30% of all new hires in the California Community Colleges as a system will be ethnic minorities."

The role of the faculty in all aspects of hiring, including recruitment, and the development of affirmative action plans, is clearly defined in AB 1725. The purpose of this document, "The Ramifications and Implications of Affirmative Action on Hiring" is to aid local academic senates in their endeavors to address the affirmative action mandates in regards to hiring, found in AB 1725. This document should be used as a companion to the Academic Senate's Contract Faculty Hiring Procedures: A Model Based on AB 1725 (adopted, Fall, 1989).

STATE AND FEDERAL LEGISLATION REGARDING AFFIRMATIVE ACTION

To carry out the affirmative action mandates found in AB 1725, it is necessary to have an understanding of other important state and federal laws that govern affirmative action. Many of these federal and state initiatives must be considered within the context of hiring to foster faculty and staff diversity.

AFFIRMATIVE ACTION: STATE LEGISLATION

1. CALIFORNIA EDUCATION CODE:

   - Sections 200-264 - Speaks to the equal rights, for all persons, in educational institutions of California. Programs and activities within community college districts must be free of discrimination.

   - Article 4, Sections 87100-87106 - contains mandates for affirmative action employment and programs in the California Community Colleges. The mandates emanating from AB 1725, are now incorporated into these sections of the Education Code, thereby amending and updating these sections.

2. CALIFORNIA GOVERNMENT CODE:

   Sections 11135-11139.5 - Prohibits unlawful discrimination in programs receiving state aid. "No person in the State of California shall, on the basis of ethnic group identification, religion, age, sex, color or physical or mental disability, be unlawfully subjected to discrimination under any program or activity that is funded directly by the state or receives any financial assistance from the state."

3. CALIFORNIA FAIR EMPLOYMENT PRACTICES AND HOUSING ACT:

   This statute protects the right to employment without discrimination due to race, color, religious creed, national origin, ancestry, age (over 40), physical handicap, medical condition, or sex. This applies to state and local governments, labor organizations, public and private employers who have five or more employees. This statute is enforced by the Department of Fair Employment and Housing.

4. CALIFORNIA ADMINISTRATIVE CODE, TITLE 5:

   - Sections 51100-51102 - Covers enforcement and investigation of minimum standards for those districts that receive state aid. Districts which are out of compliance with affirmative action minimum standards face the imposition of sanctions by the Chancellor's Office.
   - Section 53005 - Addresses the affirmative action minimum standards for those community college districts that receive state aid. The preparation, adoption and progress reports of affirmative action plans are specified as minimum standards.
   - Sections 53000-53025 - Applies to the entire area of affirmative action in the community college districts including: rationale, policies, plans, district responsibilities. In addition it deals with the implementation of procedures that are designed to increase the number of ethnic minorities, women and the disabled.

AFFIRMATIVE ACTION: FEDERAL LEGISLATION

Federal laws relating to affirmative action prohibit discrimination in all institutions, programs and activities which receive or benefit from federal assistance

1. THE CIVIL RIGHTS ACT OF 1964:

   - Title VI - Prohibits discrimination in all programs on the basis of color, race, or national origin.
   - Title VII - Prohibits discrimination in employment on the basis of race, color, religion, sex, or national origin.
   - Title IX - Prohibits sex discrimination in educational activities and programs. Title IX is one of the Educational Amendments (1972) to the Civil Rights Act of 1964.

2. REHABILITATION ACT OF 1973, SECTION 504: - prohibits discrimination in regards to the disabled.

The above information does not list all of those regulations that pertain to affirmative action and hiring, but the information does reveal that there is a well established legal foundation for equal opportunity and affirmative action employment programs within the California Community Colleges.

CLARIFICATION OF TERMS AS THEY RELATE TO DIVERSITY

With the passage of AB 1725, a clarification of terminology is necessary when addressing diversity. According to Title 5, 53001, e-],:

- UNDERREPRESENTED - Ethnic minorities, women, disabled, and Vietnam-Era veterans.
- ETHNIC MINORITIES - Those protected ethnic minority groups so designated by federal compliance agencies for goal-setting. This category also includes Alaskan Natives/American Indians, Asians or Pacific Islanders, Blacks, and Hispanics. A person may be included in the group to which he or she appears to belong, identifies as his or her group, or is regarded in the community as belonging. A person shall be counted in only one ethnic group.
- PROTECTED GROUP STATUS - Includes the disabled, women, ethnic minorities and Vietnam-era veterans.
- DISABLED -
  * Has a physical or mental impairment that substantially limits one or more of such person's major life activities
  * Has a record of such (above) an impairment, or
  * Is regarded as having such an impairment.
  * A disabled individual is "substantially limited" if he or she is likely to have trouble in securing, retaining or advancing in employment because of a disability.
- FILIPINO - All persons having origins in the original peoples of the Philippine Islands. Filipinos are to be counted and reported as part of the Asian/Pacific Islander group as well as in a separate group as required by state law. Yet ,in the goal-setting process, separate employment goals are not needed for Filipinos.

GUIDELINES FOR INTERPRETING SUBJECTIVE TERMS: AB 1725

At the 1989 Plenary Session of the Academic Senate, a hiring model was adopted based upon AB 1725. The model also refers to the diversity criteria found in AB 1725:

> According to AB 1725, Section 4, 3 (p) (1)," . . .guidelines should help the community colleges ensure that the faculty and administrators they hire and retain are people who are sympathetic and sensitive to the racial and cultural diversity in the colleges . . .." In addition, in regards to hiring criteria (Section 87360 a), it should be developed so that it includes, " . . . a sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability and ethnic backgrounds of community college students."

The following section provides information that clarifies terms which have been used subjectively, throughout AB 1725.

- CULTURAL AWARENESS
- SENSITIVITY
- UNDERSTANDING
- SYMPATHETIC

These terms are often used as desirable qualifications of applicants in the affirmative action hiring process. How does a committee verify that an applicant possesses these qualifications? With the passage of AB 1725, this question of how to objectively measure these subjective terminologies has become even more important. The following recommendations are specific examples for assessing these desirable qualifications:

DEMONSTRATED:

1. Cultural awareness of the diverse population served by the college. For instance, the completion of courses and, or directed study, which focused upon other cultures, languages, and the disabled.

2. Teaching techniques that display knowledge of racial, ethnic, gender, disability, and cultural diversity of learning styles. The teaching techniques should convey an understanding of the cultural values inherent in the various cultures' approach to learning.

3. Active involvement within those programs designed to provide information and special training in areas of student and staff diversity: staff development programs, faculty development programs, seminars, sessions, etc.

4. Ability to work cooperatively with staff from different cultures to insure that diversity and positive role modeling exist for the college community.

GUIDELINES FOR INTERPRETING SUBJECTIVE TERMS: AB 1725
(Continued)

DEMONSTRATED:

5. Utilization of methodologies, which reflect a pedagogy that entails cultural diversity, including, but not limited to course content, learning materials and speakers.

6. Active participation within those groups AND organizations that cultivate the understanding of the diversity of national and international cultures.

The candidate should be expected to demonstrate more than one of the above.

ENHANCED DIVERSITY: ROLE MODEL(S) AND EDUCATIONAL ENRICHMENT

"Lessons concerning democratic principles and the richness which racial diversity brings to our national heritage can best be taught by the presence of staffs of mixed races and ethnic groups working toward a common goal." (EC 87100 d)

Before the enactment of AB 1725 much had been written into the California Education Code regarding the need and benefits of cultural diversity, " . . . it is educationally sound for the minority student attending a racially impacted school to have available the positive image provided by minority classified and academic employees. It is likewise educationally sound for the student from the majority group to have positive experiences with minority people that can be provided in part by minority classified and academic employees at schools where the enrollment is largely made up of majority group students. It is also educationally important for students to observe that women as well as men can assume responsible and diverse roles in society." (EC 87100, b)

Recent California legislation is filled with language that expresses the commitment of the legislature to address the impact and ramifications of the changing demography on all of the citizens of the state of California, as it approaches the twenty-first century. One of the most vital arenas in which to address this diversity challenge is within the educational system.

In the document, Toward A New Diversity, adopted by the Board of Governors for the California Community Colleges (March, 1989), emphasis is placed on the thesis that our colleges must create and foster academic vitality. This vitality should reflect the rich cultural diversity of our nation's heritage. It should also provide a setting and context in which a comparable diversity of faculty and staff exemplifies the democratic tradition. The presence of minority faculty attracts students from minority groups and their role as mentors increases the retention and success of minority students.

The world is a global village which consists of a widely diverse population. This diversity includes different cultural heritages, languages, skin colors, nationalities, religions and persons with disabilities. This heterogeneity makes two themes extremely evident: first, that there is a need for the recognition of diversity in our students and second, there is a need to mirror that diversity through role models.

ENHANCED DIVERSITY: ROLE MODEL(S) AND EDUCATIONAL ENRICHMENT (Continued)

In order to be role models the faculty and staff should: (1) be similar to the students in more than skin color or use of the same language, and (2) share some experiences (heritage) of growing up and living in this country. It is helpful for the student to see and interact with someone who understands or relates to the values held by that student. ". . .It will be imperative for the faculty to be sympathetic and sensitive to cultural diversity in the colleges especially when the student body is continually changing. One means of ensuring this is for the faculty to be culturally balanced and more representative of the state's diversity." (AB 1725, Section 4 a 3).

HIRING THE DISABLED

The hiring and retention of faculty who represent the culturally diverse population requires more than compliance with process and procedures. There are significant numbers of individuals with disabilities in our society, and their situation is seldom addressed. A new climate within the institution has to be created in which negative stereotypes, myths and attitudinal barriers are examined and eliminated. The institution must foster a climate that acknowledges the talent, dignity and worth of its members. A brief examination of the terminology, myths, attitudinal barriers affecting persons with disabilities may shed some light upon the situation and help remove those impediments which limit their access to equal opportunity:

- **TERMINOLOGY: DISABLED, HANDICAPPED, CRIPPLED**
  These terms are often used interchangeably. But, the latter two terms carry negative connotations. A person may have a disability but may not necessarily be handicapped. Having a disability means that a person may do something differently from a non-disabled person, while producing equal results.

- **SOME MYTHS WITHIN THE INSTITUTION AND MARKETPLACE** - It appears that when observable differences exist between persons or groups, a tendency develops to create "myths" regarding those differences. In the case of the disabled as well as with the different cultural/linguistic groups the following myths can be found within the institution:

  * Insurance rates will skyrocket when you hire the disabled.
  * Considerable expense will be involved in making the necessary adjustments at the place of employment.
  * Special privileges should be granted to the disabled.
  * Faculty, staff, and students will not accept the disabled.

- **ATTITUDINAL BARRIERS** - Are ways of thinking and feeling which produce behaviors that have negative impact on persons with disabilities. Some indicators of attitudinal barriers are fear, prejudice, ignorance, stereotyping, discomfort, condescension and discrimination.

HIRING THE DISABLED (Continued)

- **REASONABLE ACCOMMODATIONS** - Title 5, Section 53029, states that districts shall make reasonable accommodations for the disabled " . . . applicant or employee." Examples of reasonable accommodations include, but are not limited to:

  * TRAINING:
    - Longer training cycles
    - Proficient mentors
    - Handwritten communications for the deaf
    - Sign language for the deaf

  * EMVIRONMENTAL ACCOMMODATIONS:

    Facilities -
    - Braille elevator floor designations
    - Modified parking spaces
    - Modified restrooms
    - Ramps
    - Raised desks
    - Automatic doors
    - Elevator chairs
    - Modified cafeterias

    Equipment -

Teletypewriter:	Hearing
Amplified phone:	Hearing
Talking clock:	Vision
Optical Reader:	Vision
Telephone Headset:	Non-paralytic Orthopedic
Light Touch Typewriter:	Arthritis
Wheelchair:	Paralysis

  * JOB DUTIES: Accommodations in this area include examples of tasks that an employee with a particular impairment would not be required to do:

Heavy lifting:	Back problems
High noise areas:	Hearing
Manual dexterity:	Stroke
High mobility:	Heart
Moving equipment:	Epilepsy
Traveling:	Vision
Confined spaces:	Claustrophobia

ROLE OF THE AFFIRMATIVE ACTION OFFICER AND THE AFFIRMATIVE ACTION REPRESENTATIVE IN THE HIRING PROCESS

The role of the affirmative action officer is very important throughout the hiring process. According to Title 5, Section 53026 b, "The Affirmative Action Officer shall ensure that the entire selection process shall be solely based on job related criteria, a fair impartial examination of the candidates based on job-related criteria, with job-related questions prepared in advance."

The affirmative action officer is responsible for the review and monitoring of all aspects of the hiring process. Besides the affirmative action officer, the Academic Senate's contract hiring model calls for an affirmative action representative to be an active participant in the hiring process.

ROLE OF THE AFFIRMATIVE ACTION OFFICER

The affirmative action officer should,in coordination with the local academic senate:

1. Review, with the chancellor/president, and the administrators of each division/department, the goals and timetables as indicated in the district/college affirmative action plan. This review should be done before the selection of members for the faculty hiring committee(s). In this review, each division/department will have the opportunity to evaluate its progress in terms of diversifying its faculty.

2. Encourage the selection of ethnic minorities, women, the disabled, and other members of the underrepresented groups to sit as members on selection/interviewing committees.

3. Encourage the selection of faculty members to participate, within all aspects of the hiring process, as the affirmative action representative(s).

4. Design and establish training programs for representatives who serve on hiring committees, which:

    - Promote sensitivity to and an understanding of the cultural differences among potential candidates.
    - Provide data and information regarding federal and state affirmative action laws and guidelines.

5. Be responsible for assuring that the affirmative active representative receives thorough training in all aspects of affirmative action , and is knowledgeable of and committed to the affirmative action effort.

6. Keep a record of all applicant flow information. This includes, the applicant pool composition, screening committee criteria, and the number of applicants. This information becomes a profile of those who were hired. If something goes wrong within the selection process, the applicant flow information can trace/track the source(s).

ROLE OF THE AFFIRMATIVE ACTION OFFICER AND THE AFFIRMATIVE ACTION REPRESENTATIVE IN THE HIRING PROCESS (Continued)

THE ROLE OF THE AFFIRMATIVE ACTION REPRESENTATIVE

Once trained, the affirmative action representative should participate in all aspects of the hiring process. Recommended activities for the affirmative action representative should include, but are not limited to, the following:

1. Assist the affirmative action officer, after the initial paper screening, in determining whether the applicant pool is sufficiently diverse.

2. Monitor:

   - The interview procedure to make certain that all applicants receive the same amount of interview time, or at least an opportunity to use the full amount of time allowed if they wish to do so.
   - The interview procedure to ensure that all candidates are asked and receive the same questions.
   - The discussion of candidates after interviews to insure that job related factors are the only ones considered in determining the finalists.

3. Assist in the tallying of interview scores.

4. Review: In consultation with the affirmative action officer review any concern that the committee may have in regards to the selection process, use of forms, selection criteria or other issues, which would not facilitate a fair, consistent and manageable selection process.

JOINT RESPONSIBILITIES OF THE AFFIRMATIVE ACTION OFFICER AND THE AFFIRMATIVE ACTION REPRESENTATIVE

The consultation and coordination of effort that occurs between the affirmative action officer and affirmative action representative is of vital importance to the entire hiring process. Both shall be held accountable for fulfilling the responsibilities inherent in their respective positions of authority:

1. Training of the members of the selection/interviewing committee(s) before the initial process. Examples entailed within this training are:

   - Review with the committee the goals and timetables as indicated in the district/college affirmative action plan, in order to evaluate the divisions'/departments' progress in diversifying staff.

   - Remind committee members that the questions asked must be job related and must relate to the job description. (Title 5, 53026 b)

JOINT RESPONSIBILITIES OF THE AFFIRMATIVE ACTION OFFICER AND THE AFFIRMATIVE ACTION REPRESENTATIVE (Continued)

- o Develop evaluative procedures that are not barriers to the hiring of members of underrepresented groups resulting in adverse impact.

2. Report any violation of required procedures to the president of the college and to the president of the academic senate, and / or

3. Intervene or halt the hiring process, at any stage, to correct or prevent violations.1

4. Either the affirmative action officer or affirmative action representative should serve as non-voting members on the selection/interviewing committee.2 This should be determined by the local hiring policy which has been developed and agreed by the academic senate and the governing board.

THE ROLE OF THE INTERVIEWING COMMITTEE IN THE HIRING PROCESS

The interviewing process must guarantee access and fairness to all candidates. One of the fundamental directives of AB 1725 is the augmentation of diversity hires. The question arises for many selection committees as to how the diversity component can be used (weighted) within the interview process.

It is necessary to divide the interviewing process into three stages: (1) Pre-interview (2) The interview and (3) Post-interview.

PRE-INTERVIEW

1. The committee has received thorough training regarding affirmative action goals, guidelines and procedures.

2. Any scoring or rating system used for paper screening or interviewing must be agreed upon by the committee prior to the beginning of the hiring process.

3. The committee shall decide upon the number of questions to be asked, the amount of time allotted for each question, and the content of the questions to be asked. The choice of questions is very important, for the questions could act as screening devices, in either the positive or negative sense.

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1 Title 5, Section 53027 b'Throughout the entire selection process the Affirmative Action Officer is responsible for monitoring for adverse impact. If discriminatory intent or effect is identified, the Affirmative Officer shall implement solutions and/or confer with the chief administrative officer or designee of the district or college to determine necessary remedies.'

2 According to the Contract Faculty Hiring Procedures: A Model Based On AB 1725 -The Academic Senate For California Community Colleges, p.2: 'The affirmative action officer shall serve as a consultant on district and state guidelines and be responsible for monitoring the district's affirmative action procedures . . .'

PRE-INTERVIEW(Continued)

4. **The committee shall decide upon the percentage of questions necessary, to aid it in assessing the candidate's pre-disposition to cultural sensitivities and differences as they relate to diversity within the classroom.**

5 **The committee shall be cognizant that all questions must be job related. The college's job announcements should contain the duties and job description for the position to be filled. When a teaching or professional demonstration is required as part of the interviewing process, it must be stated on all job related materials.3**

6. **Decide and come to consensus upon the method to be used to evaluate the candidates, e.g., whether discussion will take place immediately after the candidate has finished the interview or after all the candidates have been interviewed.**

THE INTERVIEW

1. **Committee members should be aware of their own body language, tone, posture and the respective impact upon candidates.**

2. **Committee members should remember to be aware of the candidate's cultural response styles and hierarchies, i.e., dialect/accent, body language, etc. For example, in some cultures "bragging" about oneself is looked down upon.**

3. **Committee members should guard against asking those "follow up" questions that are not intended to clarify the previously answered question. A committee member can ask, " . . .can you clarify your last statement . . . but should not ask " . . .did you mean. . .?"**

4. **Committee members should be aware that the candidate's appearance, speech and posture may reflect cultural diversity and should be respected. It is important that the committee considers the positives associated with cultural differences. Inherent within hiring for diversity is the recognition of the contributions that the candidate can make to the faculty, students and staff.**

5. **Committee members should realize that intuition alone is not a reliable measure to assess a candidate, especially, when applying it to cultures unlike one's own.**

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3 "A teaching demonstration, a counseling session, or a library lecture could be used to find out how a candidate would do on the job. In addition, if the demonstration is scheduled in a classroom with diverse students, it may indicate the candidate's level of sensitivity."

ROLE OF THE INTERVIEWING COMMITTEE IN THE HIRING PROCESS (Continued)

THE INTERVIEW

6. During the interview, the number of questions which address the diversity issue reflect the importance of that issue. If most of the questions asked are of the traditional type, the import of the diversity quotient could be negated. Two examples of diversity related questions:

   - o "...How would you deal with a student who made an obvious racial/ethnic slur against another student in your classroom ...?"
   - o "... How would you handle cultural patterns and learning styles that are cooperative and may be perceived as cheating? For example, students who openly help one another in the classroom during an exam or quiz.

7. Before the interview, the candidate should have been apprised that the interview would include a demonstration (test) as part of the process.[4] When a demonstration is part of the interviewing process:

   - o Teaching demonstration - should be scheduled so that the candidate can teach in front of an actual class that reflects the diversity of the community.
   - o Writing demonstration - Can reflect a coherency of the usage of the language and an understanding of and sensitivity to cultural diversity - content based upon a "situational question."(See #6 above).
   - o Counseling/Library demonstration - should reflect the specialized knowledge and currency of the specific academic area.

POST-INTERVIEW

This is the evaluation segment of the interviewing process. There are many methods of determining how the committee will arrive at its decision about the selection of the final candidate(s) to be hired. Following are examples used within the California Community Colleges:

1. The committee should, under no circumstances allow a candidate's name to be forwarded who has not gone through the agreed upon process and been recommended by the committee. The local academic senate has the obligation to insure that the entire hiring process facilitates access and fairness.

2. Individual Committee Member Rating (UNINFLUENCED) - Immediately after each interview, the candidate is rated without group discussion. After all of the candidates have been interviewed, the committee members submit their rating of the candidates. After the scores are tallied, the committee selects up to three candidates, and the faculty chair forwards the committee's recommendations to the president of the college.

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4 *EEOC Uniform Guidelines On Employee Selection Procedures (1978), Section 14, C (4): "If a test purports to sample a work behavior or to provide a sample of a work product, the manner and setting of the selection procedure and its level and complexity should closely approximate the work situation."*

ROLE OF THE INTERVIEWING COMMITTEE IN THE HIRING PROCESS (Continued)

Post-Interview

3. Committee Consensus Rating - Each candidate is discussed immediately after the interview and privately rated. After all candidates have been interviewed, the committee discusses the individual ratings of the candidates. The faculty chair of the committee forwards up to three names to the president of the college.

4. Whichever rating system is used, undue pressure should not be put on committee members to change their vote (rating).

5. The committee should be willing to start over if there is no agreement or consensus in regards to the selection of the final candidates.

SELECTION OF THE FINAL CANDIDATE

"The president shall review the selection committee's recommendation, the qualifications and the reference checks on the final candidate. The president may interview the finalists and conduct additional reference checks. The selection of the finalist to be recommended to the chancellor and board of trustees shall be made by the college president in joint consultation with the selection committee chair, the area administrator, and the academic senate president." (Contract Hiring Procedures, p.6)

UTILIZATION AND ACCOUNTABILITY OF THE AUTHORITY OF THE ACADEMIC SENATE AND CHANCELLOR/PRESIDENT.

To achieve equal opportunity, fairness and consistency for all candidates, the joint and cooperative exercise of responsibility by the faculty and administration is vital at every stage of the hiring process.

1. Consistent with the adopted college hiring policy, the academic senate should make every effort to ensure that hiring committees reflect the diverse population of the community. "At each level, nominating entities and selection committee members have the responsibility to ensure that individuals, preferably minorities, the disabled, or women, who are knowledgeable about and responsible to the community college's affirmative action goals are included on all selection committees or similar groups." (Contract Hiring Procedures, p.2)

2. When a department/division has not met the affirmative action goals as outlined in the district's affirmative action plan, the college president or designee should alert the president of the academic senate and faculty hiring committee to this situation.

UTILIZATION AND ACCOUNTABILITY OF THE AUTHORITY OF THE ACADEMIC SENATE AND CHANCELLOR/PRESIDENT (Continued)

3. In the event that the final list of candidates sent to the college president lacks diversity, the president shall communicate her/his finding, in writing, to the president of the academic senate and the selection committee. After joint consultation, if it is found, that the process used in the selection of candidates violated the adopted district hiring policy/procedures, or affirmative action guidelines as stated within the district's affirmative action plan, the position should be reopened. (Title 5, 53040 - 53051)

4. In the instance where the college president is provided with a final list of diverse candidates, and does not choose any of the final recommended candidates, then she/he shall discuss the issue with the selection committee. If no agreement is reached, then the college president shall put his/her " . . . objection in writing to the selection committee and to the academic senate president, and the position shall be reopened. (Contract Hiring Procedure, p.6)

ANNOUNCEMENTS/DESCRIPTIONS

JOB ANNOUNCEMENTS

"Job announcements shall state clearly job specifications setting forth those skills necessary to job performance and the required training and experience related to those skills. The requirements are based on a careful analysis of the job. Only bona fide occupational qualifications may be included in job announcements." (Title 5, 53022).

Job announcements serve the purpose of providing prospective applicants with information that includes:

Job Description	Application Deadline
Contact Person	District/Institutional Data
Salary Range	Affirmative Action/EEO Status

Job announcements must be developed on the basis of job analysis and validation. The knowledge, skill, abilities, and personal characteristics an employee must possess to do the job satisfactorily, must be determined systematically and validated. For example, increased years of teaching experience cannot be validated as being synonymous with the increased ability to teach. As the number of years of experience is increased, the relative size of the protected group pool is decreased. This could present a barrier that should be eliminated by corrective action. According to Title 5, 53050, corrective action must be designed to eliminate barriers where employment practices have been obstructive to equal opportunity.

ANNOUNCEMENTS/DESCRIPTIONS (Continued)

In the case of the ability to teach, quality cannot be assured or validated on the basis of years in the classroom. Demonstrated ability to teach is a more direct and effective measure of the candidate's teaching ability. Requirements that cannot be validated for job-relatedness, and that have the effect of screening out members of the underrepresented groups should not be used. (Title 5, 53024)

In regards to the "years of teaching experience" requirement, it may be placed on job announcements where it is a job related qualification associated with experience. An example, would be a teaching position that would establish a new academic program where the district/college needed considerable work on curriculum development. It is unlikely that a novice in the field could do the job; therefore, experience, then becomes a definite job related qualification.

If position qualifications are required that, " are not consistent with actual functions and duties required of the position . . ." these qualifications are barriers that will require corrective action. (CCC Guidelines, 53050). Additional qualifications, such as desirable qualifications are subject to the EEOC Uniform Guidelines which state that, "Any measure, combination of measures, or procedures used as a basis for any employment decision . . ." is a selection procedure. "Selection procedures include the full range of assessment techniques from traditional paper and pencil tests, performance tests, training programs, or probationary periods and physical, educational, and work experience requirements through informal or casual interviews . . ." (EEOC Uniform Guidelines, Vol. 43)

AB 1725, (87360 a) has added an additional qualification for hire and that is the diversity requirement, which should be included in the job announcement. An applicant must demonstrate "a sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students."

JOB DESCRIPTIONS

Accurate job descriptions included on job announcements are vital to meaningful recruitment, hire and retention. The purpose of job descriptions is to provide a general statement of job duties, responsibilities, and job specifications, which include:

Functions and Tasks	Knowledge
Skills	Ability

CONCLUSION

According to AB 4071, the demography of the State of California is undergoing a monumental change in its' ethnic and racial composition. By the year 2002, California will be the only state, in the continental United States, with no racial majority, "in which Latinos will constitute 33 percent, Asians 12 percent, Blacks 9 percent, and Anglos 46 percent . . ."

CONCLUSION (Continued)

In addition, more than 50 percent of the current full time community college faculty will have retired by the year 2000.

The faculty of the California Community Colleges must take advantage of the "window of opportunity " and diversify its ranks. Only by assiduously following the affirmative action mandates of AB 1725 can the present faculty ensure that the future faculty will be ethnically balanced and representative of the state's diversity.

FREQUENTLY USED TERMS IN AFFIRMATIVE ACTION

Adverse Impact A substantially different rate of selection in hiring, promotion, or other employment decision that works to the disadvantage of members of a race, sex, or ethnic group.
Affirmative Action Representative A faculty member who ". . .shall be appointed by the academic senate to each selection committee" (Contract Faculty Hiring Procedures, Academic Senate for California Community Colleges, p. 4).
Applicant A person who has indicated an interest in being considered for hiring, promotion, or other employment opportunities. This interest might be expressed completing an application form, or might be expressed orally, depending upon the employer's practice. The precise definition depends upon the user's recruitment and selection procedures. (EEOC Uniform Guidelines of Employee Selection Procedures, Federal Register, Vol.44, No.43, March 2, 1979).
Candidate The procedure by which persons are identified as candidates is itself a selection procedure under the Guidelines. The term "candidate" has been included to cover those situations where the initial step by the user involves promotion, or training, or other employment opportunities, without inviting applications. A person who voluntarily withdraws formally or informally at any stage of the selection process is no longer an applicant or candidate for purposes of computing adverse impact. (EEOC Uniform Guidelines of Employee Selection Procedures, Federal Register, Vol.44, No.43, March 2, 1979).
EEOC Equal Employment Opportunity Commission
Job Analysis A detailed statement of work behaviors and other information about to the job.
Job Announcements Job Announcements are to state clearly the job specifications setting forth those skills necessary to job performance and the required training and experience related to those skills. The requirements are to be based on a careful analysis of the job. Only bona fide occupational qualifications may be included in job announcements. (Title 5, 53022).
Job Description is a general statement of job duties and responsibilities.
Racial/Ethnic Classifications Title 5, 53001 (e, 1-4):

- American Indian or Alaskan Native means all persons having origins in any of the original peoples of North America and whom maintain cultural identification through tribal affiliation or community recognition.
- Asian or Pacific Islanders means all persons having origins in any of the original peoples of the Far East, Southeast Asia or the Pacific Islands. This area includes, for example, China, Japan, Korea, The Philippine Islands, Samoa, and the Indian Subcontinent.

FREQUENTLY USED TERMS IN AFFIRMATIVE ACTION (Continued)

- Black (not of Hispanic origin) means all persons having origins in any of the black racial groups of Africa
- Hispanic means all persons of Chicano, Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture of origin despite of race.
- Filipino - All persons having origins in the original peoples of the Philippine Islands. Filipinos are to be counted and reported as part of the Asian/Pacific Islander group as well as in a separate group as required by state law. Yet, in the goal-setting process, separate employment goals are not needed for Filipinos.

Selection Procedure Any measure, combination of measures, or procedure used as a basis for any employment decision. Selection procedures include the full range of assessment techniques from traditional paper and pencil tests, performance tests, training programs, or probationary periods and physical, educational, and work experience requirements through informal or casual interviews and unscored application forms. The use of any selection procedure that has an adverse impact on any race, sex, or ethnic group is discriminatory unless the procedure has been properly validated. (EEOC Uniform Guidelines of Employee Selection Procedures, Federal Register, Vol.44, No.43, March 2, 1979).

User Any employer, labor organization, employment agency, or licensing or certification board, to the extent it may be covered by Federal equal employment opportunity law, which uses a selection procedure as a basis for any employment decision.

Validation According to the EEOC Uniform Guidelines, validation is" the demonstration of the job relatedness of a selection procedure." There are three types of validity strategies recognized by the Uniform Guidelines: (1) Criterion-related validity - a statistical demonstration of a relationship between scores on a selection procedure and job performance of a sample of workers, (2) Content validity - a demonstration that the content of a selection procedure is representative of important aspects of performance on the job, and (3) Construct validity - a demonstration that (a) a selection procedure measures a construct (something believed to be an underlying human trait or characteristic, such as honesty, leadership,) and (b) the construct is import for successful job performance.

REFERENCES CITED

Assembly Bill 1725
Assembly Bill 4071
California Administrative Code, Title 5
California Community College Affirmative Action Guidelines - Incorporated within the Model Affirmative Action Plan, California Community Colleges, October, 1983, pp.48-58.
Contract Faculty Hiring Procedures: A Model Based on AB 1725, Academic Senate for California Community Colleges, Adopted 1989 Fall Session
EEOC Uniform Guidelines of Employee Selection Procedures, Federal Register, Volumes 43 and 44.
Toward A New Diversity California Community Colleges, March, 1989

(AN EXAMPLE OF A POST AB 1725 JOB ANNOUNCEMENT)

RAINBOW COMMUNITY COLLEGE

FULL-TIME INSTRUCTOR OF HISTORY

EQUAL OPPORTUNITY POLICY/AFFIRMATIVE ACTION EMPLOYER

The Rainbow Community College District is an equal opportunity employer and does not discriminate on the basis of race, color, disability, sex, age, religion, or national origin in any of its policies, procedures, or practices. The District is committed to augmenting the diversity of its faculty, proportionate to the diverse population living in the state of California.

GENERAL DESCRIPTION

A full-time instructor of History to begin instruction in the Fall semester. The 10 month assignment may consist of a variety of history courses, including United States History, African History, and World Civilization. This assignment may include teaching day and evening classes. Duties and responsibilities include the following:

- Provide class instruction according to the established course outlines.
- Inform students regarding course requirements, evaluation procedures, and attendance requirements.
- Maintain necessary attendance, scholastic, and student records and submit them according to the published deadlines.
- Share responsibility with colleagues for the work undertaken while participating in college and departmental committees.
- Participate in professional and other educational activities in accordance with college policy.
- Effectively communicate and teach students with diverse backgrounds.

MINIMUM QUALIFICATIONS

- Possession of a California Community College Instructor Life Credential that permits full time instruction in History, OR,
- Master's in History, OR,
- Bachelor's in History AND Master's in Political Science, Humanities, Geography, Area Studies, Women's Studies, Social Science or Ethnic Studies, OR,
- The Equivalent. Note: It is the candidate's responsibility to provide evidence of equivalence. The guidelines for the establishment of equivalencies will be sent with the application.

DESIRABLE QUALIFICATIONS

- DIVERSITY - Demonstrable sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students (AB 1725, 87360 a).
- KNOWLEDGE of African, Hispanic and Irish history
- EXPERIENCE in teaching within an interdisciplinary studies program

SALARY AND BENEFITS

- Placement on Contract faculty salary schedule. Beginning annual salary from $39,825 to $55, 049, depending on personal achievements and education.
- The fringe benefit packet includes complete coverage: major medical, dental, and vision plans.

APPLICATION PROCEDURE

In order for your application to be considered, the following items are required:

1. A completed District application form
2. A resume
3. Confidential Placement Papers OR a minimum of three letters of recommendation. The letters must be received no later than 10 working days after the listed closing date (see below).

SEND ALL REQUESTED MATERIALS TO:

Ms. Gloria Sunshine
Director of Personnel Services
Rainbow Community College District
3539 Flower Road
Rainbow Valley, California 93567
(515) 234-6789 FAX Number: (515) 678-2345

CLOSING DATE: ALL MATERIALS MUST BE RECEIVED, EXCEPT LETTERS OF RECOMMENDATION, IN DISTRICT OFFICE BY:

5:00 P.M., April 1, 2001

SELECTION PROCESS

- A screening committee will review completed applications and select a limited number of qualified candidates for oral interview.
- Each candidate will be asked to make a 15 minute presentation on a topic selected by the committee.

THE COLLEGE

Rainbow College is a two year community college that offers comprehensive academic and vocational programs to its students. It serves the residents of Snow, Rainbow, Cloud, Rain, Storm -- five communities with very diverse populations. Day and evening student enrollment is approximately 20,000. The college offers a diverse curriculum to meet the enrollment needs of a dynamic community.

ERIC Clearinghouse for
Junior Colleges

DEC 14 1990

END

U.S. Dept. of Education

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Improvement (OERI)

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Date Filmed

March 29, 1991